



Department of Energy
Ohio Field Office
Fernald Environmental Management Project
P. O. Box 538705
Cincinnati, Ohio 45253-8705
(513) 648-3155



DEC 23 2003

Mr. Paul Pardi, RCRA Group Leader
 and FFCA Project Manager
 Ohio Environmental Protection Agency
 Division of Hazardous Waste Management
 401 East 5th Street
 Dayton, Ohio 45402-2911

DOE-0061-04

Dear Mr. Pardi:

CERTIFICATION OF CLOSURE OF FERNALD CLOSURE PROJECT HAZARDOUS WASTE MANAGEMENT UNITS

The purpose of this letter is to outline, for the Ohio Environmental Protection Agency (OEPA) concurrence, the process to be used for achieving final certification of closure for Hazardous Waste Management Units (HWMU) closed under the Integrated RCRA/CERCLA Process. Closure certification of these units is described in Section V.4 of the June 1996 Integrated RCRA/CERCLA Director's Findings and Orders (DF&O), which states the following:

For the HWMUs identified in Attachment A of these Orders, the Respondent and FERMCO are hereby exempted from complying with OAC Rule 3745-66-13 provided that they submit Remedial Action Reports for the HWMUs contained in Operable Units 1, 3, and 5 within sixty (60) days from completion of remedial activities at each operable unit, which completion is determined by the USEPA, in accordance with CERCLA. These Remedial Action Reports shall certify that the HWMUs contained in Operable Units 1 and 3 have been closed, and that the environmental media in Operable Unit 5 has been managed, in accordance with the final remedies contained in the Records of Decision and in accordance with the Director's closure performance standards.

Enclosed is a table identifying the various CERCLA documents that will be used to document closure of Fernald Closure Project (FCP) HWMUs remediated under the Integrated RCRA/CERCLA process. The table is divided into pre-remediation documents (analogous to closure plans) and post-remediation documents (analogous to the closure certification reports). Past and projected submittal dates are provided to show the relative timing of these submittals.

Mr. Paul Pardi

-2-

DOE-0061-04

As discussed in a November 5, 2003 telephone conversation with you and Phil Harris of OEPA, the FCP will utilize the documents identified in the 4th column of the enclosed table (primarily the Complex Project Completion Reports and the Area Certification Reports) to provide information on field activities completed to remediate these units. These reports contain the same type of information as the closure certification reports submitted under the RCRA closure process. Approval of these reports by OEPA will signify concurrence that the remediation of these units has been completed in accordance with the DF&O and that no more fieldwork is required to achieve closure of these units. The only information that would not be included in the reports identified in Column 4 is the closure certification statement. This statement will be provided in the various Remedial Action Reports (identified in the 5th column of the table) and will be used to meet the requirement for closure certification specified in Section V.4 of the DF&O. This statement will be signed by an authorized facility representative. The Remedial Action Reports will not contain detailed information on activities completed to close out each HWMU, but will reference the CERCLA documents that were submitted which provided this information.

It should be noted that the documents identified in the table for HWMUs located in Operable Unit 1 (OU1) (Waste Pits 4 and 5) are based on a proposal submitted by the FCP to redefine the scope of remedial activities performed for this OU. Under this proposal, the FCP would complete excavation and disposition of the waste pit material as part of the remediation of OU1. Excavation, disposition and certification of the underlying soils would be completed under OU5 and documented in the OU5 Interim Remedial Action Report. As a result, certification language to address final closure of these HWMUs would be provided in the OU5 Interim Remedial Action Report rather than the OU1 Remedial Action Report.

The only potential issue is the requirement in Section V.4 of the DF&O for submittal of the OU1, OU3 and OU5 Remedial Action Reports within sixty days of completion of remedial activities at each operable unit. Under the CERCLA process, there are no dates established for the submittal of these reports. Since the purpose of the DF&O was to integrate substantive RCRA closure requirements into the existing CERCLA process, the use of the DF&O to establish regulatory milestones would seem to fall outside of its intended scope. The FCP anticipates that these reports will be submitted within these time frames. However, if it appears that the submittal of these reports will significantly exceed the 60 days, OEPA will be contacted to initiate further discussions regarding compliance with this requirement. DOE is requesting your written concurrence to the strategy outlined by this letter.


Mr. Paul Pardi

-3-

DOE-0061-04

If you have any questions or require additional information, please contact Ed Skintik at (513) 648-3151.

Sincerely,


William J. Taylor
Director

FCP:Skintik

Enclosure: As Stated

cc w/enclosure:

J. Sattler, OH/FCP

T. Schneider, OEPA-Dayton

J. Saric, USEPA-V, SR-6J

B. Brucken, Fluor Fernald, Inc./MS65-2

J. D. Chiou, Fluor Fernald, Inc./MS64

S. Lorenz, Fluor Fernald, Inc./MS52-5

AR Coordinator, Fluor Fernald, Inc./MS78

cc w/o enclosure:

K. Johnson, OH/FCP

D. Carr, Fluor Fernald, Inc./MS1

T. Hagen, Fluor Fernald, Inc./MS1

ECDC, Fluor Fernald, Inc./MS52-7

Mr. Paul Pardi

-4-

DOE-0061-04

bcc w/enclosure:
J. Reising, OH/FCP

ATTACHMENT
INTEGRATED RCRA/CERCLA CLOSURE CERTIFICATION PROCESS FOR FERNALD CLOSURE PROJECT
HAZARDOUS WASTE MANAGEMENT UNITS

OU	HWMUS	CERCLA DOCUMENTS - PRE-REMEDIATION	CERCLA DOCUMENTS - POST-REMEDIATION	
		INFORMATION ON PLANNED FIELD ACTIVITIES TO ACHIEVE HWMU CLOSURE	SUMMARY OF FIELD ACTIVITIES COMPLETED TO ACHIEVE CLOSURE	CLOSURE CERTIFICATION STATEMENT
OU1	Waste Pit 4 (27) Waste Pit 5 (42)	<p>OU1 Remedial Design/Remedial Action Documents Packages (submitted 8/98, 8/99)</p> <p>Integrated Remedial Design Packages for Waste Pits: Excavation/disposition of underlying soils (planned for submittal in 2004)</p> <p>Area 6, Waste Pits Certification Design Letter: Procedures for soil sampling to certify FRL attainment (planned for submittal by 7/05)</p>	<p>OU1 Final Remedial Action Report: Excavation/disposition of Waste Pit Materials (planned for submittal in early 2005)</p> <p>Area 6, Waste Pits Certification Report: Excavation/disposition of underlying soils and results from soil sampling to demonstrate FRL attainment (planned for submittal by 3/06)</p>	<p>OU5 Interim Remedial Action Report: Statement certifying that Waste Pits 4 and 5 have been closed and that the environmental media in OU5 has been managed in accordance with the final RODs and the Director's performance standards (planned for submittal in 5/06)</p> <p>Note: This is based on a 10/16/03 letter sent to Ohio and US EPA proposing to redefine the scope of OU1 (i.e. OU1 would include excavation and disposition of waste pit materials while remediation of the underlying soils would be addressed through the OU5 ROD).</p> <p>If this proposal is denied, the certification statement will be included in the OU1 Final Remedial Action Report, which, under this scenario would not be scheduled for submittal until 7/06.</p>

ATTACHMENT
INTEGRATED RCRA/CERCLA CLOSURE CERTIFICATION PROCESS FOR FERNALD CLOSURE PROJECT
HAZARDOUS WASTE MANAGEMENT UNITS

OU	HWMUS	CERCLA DOCUMENTS - PRE-REMEDATION	CERCLA DOCUMENTS - POST-REMEDATION	
		INFORMATION ON PLANNED FIELD ACTIVITIES TO ACHIEVE HWMU CLOSURE	SUMMARY OF FIELD ACTIVITIES COMPLETED TO ACHIEVE CLOSURE	CLOSURE CERTIFICATION STATEMENT
OU3 (Above-Grade HWMUs without soil contamination)	NAR System (10) Box Furnace (14) Oxidation Furnace #1 (15) CP Storage Warehouse (19) Plant 1 Storage Building (25) Trane Incinerator (28) Plant 8 Warehouse (29) Pilot Plant Warehouse (33) KC-2 Warehouse (34) Plant 9 Warehouse (35) Plant 6 Warehouse (37) UNH Tanks (46 - 50) T-2 (54)	Complex Implementation Plans: D&D of HWMUs (submitted 3/96-4/02)	Complex Project Completion Reports: D&D of HWMUs (include results from decon rinseate sampling, if required)/Disposition of HWMU debris (first report was submitted 12/97; last report planned for submittal by 11/05)	OU3 Final Remedial Action Report: Statement certifying that these HWMUs have been closed (planned for submittal in 7/06)

ATTACHMENT
INTEGRATED RCRA/CERCLA CLOSURE CERTIFICATION PROCESS FOR FERNALD CLOSURE PROJECT
HAZARDOUS WASTE MANAGEMENT UNITS

OU	HWMUS	CERCLA DOCUMENTS - PRE-REMEDIATION	CERCLA DOCUMENTS - POST-REMEDIATION	
		INFORMATION ON PLANNED FIELD ACTIVITIES TO ACHIEVE HWMU CLOSURE	SUMMARY OF FIELD ACTIVITIES COMPLETED TO ACHIEVE CLOSURE	CLOSURE CERTIFICATION STATEMENT
OU3/OU5 (Above-Grade HWMUs with soil contamination)	Plant 1 Pad (with Tension Support Structures - #20)	<p>Plant 1 Complex, Phase II Implementation Plan: D&D of above-grade components (i.e. tension support structures) – submitted 8/02</p> <p>Area 3B/4B/5 Integrated Remedial Design Packages: Excavation/disposition of at- and below-grade materials and underlying soils (Draft submitted 3/03, Final planned for submittal in 11/03)</p> <p>Area 3B Certification Design Letter: Procedures for soil sampling to certify FRL attainment (planned for submittal by 10/04)</p>	<p>Plant 1 Complex, Phase II Project Completion Report: D&D of above-grade components/Disposition of debris (planned for submittal in 11/03)</p> <p>Area 3B Certification Report: Excavation/Disposition of at- and below-grade materials and underlying soils and results from soil sampling to demonstrate FRL attainment (planned for submittal by 3/05)</p>	OU5 Interim Remedial Action Report: Statement certifying that this HWMU has been closed and that the environmental media in OU5 has been managed in accordance with the final RODs and the Director's performance standards (planned for submittal in 7/06)

ATTACHMENT
INTEGRATED RCRA/CERCLA CLOSURE CERTIFICATION PROCESS FOR FERNALD CLOSURE PROJECT
HAZARDOUS WASTE MANAGEMENT UNITS

OU	HWMUS	CERCLA DOCUMENTS - PRE-REMEDIATION	CERCLA DOCUMENTS - POST-REMEDIATION	
		INFORMATION ON PLANNED FIELD ACTIVITIES TO ACHIEVE HWMU CLOSURE	SUMMARY OF FIELD ACTIVITIES COMPLETED TO ACHIEVE CLOSURE	CLOSURE CERTIFICATION STATEMENT
OU5 (At- and Below-Grade/Land-based HWMUs)	Fire Training Facility (1) Drum Storage Area Near Lab Loading Dock (4) Drum Storage Area South of W-26 (5) Tank Farm Sump (11) Plant 8 East Pad (17) Plant 8 West Pad (18) Abandoned Sump West of Pilot Plant (22) Storage Pad North of Plant 6 (36) Sludge Drying Beds (41)	Area-Specific Integrated Remedial Design Packages: Excavation/disposition of materials and underlying soils (submitted 4/99 - 11/03) Area-Specific Certification Design Letters: Procedures for soil sampling to certify FRL attainment (submitted 10/99 - 12/05)	Area Certification Reports: Excavation/Disposition of materials and underlying soils and results from soil sampling to demonstrate FRL attainment (submitted 10/00 - 4/06)	OU5 Interim Remedial Action Report: Statement certifying that these HWMUs have been closed and that the environmental media in OU5 has been managed in accordance with the final RODs and the Director's performance standards (planned for submittal in 7/06)